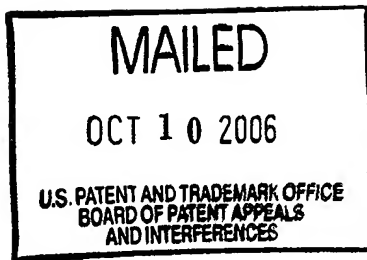


UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte HIRONORI AOKI

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Application 10/049,792

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on September 27, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing is identified below:

An examination of the Image File Wrapper (IFW) reveals that an Information Disclosure Statement (IDS) was filed on September 27, 2006. It is not apparent from the record whether the examiner considered the

statement submitted or notified appellant regarding why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying appellant of the Primary Examiner's decision is required.

In addition, pursuant to a memorandum dated April 29, 2002 by Stephen G. Kunin, Deputy Commissioner for Patent Examination Policy:

Effective immediately, no appeal should be forwarded to the Board of Patent Appeals and Interferences for decision where: (1) a rejection is supported in whole or part by an abstract without reference to the underlying document, . . . ; or (2) a rejection is supported in whole or part by a prior art document not in the English language, unless accompanied by a translation of the prior art document into English.

This IFW is not in compliance with the above because it does not appear to contain a certified English translation for the Japanese patent to Sakata, JP 11-284195, dated October 15, 1999, which was relied upon by the Examiner in his rejection of the claims.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1) for consideration of the IDS filed September 27, 2006, and written notification to appellant regarding the Primary Examiner's decision;

- 2) for providing a certified English language translation for the Japanese patent to Sakata, JP 11-284195, dated October 15, 1999;
- 3) for having a complete copy of the English language translation scanned into the IFW and a copy of said translation furnished to appellant; and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: G.P. Edgell for Dale Shaw  
DALE M. SHAW  
Deputy Chief Appeals Administrator  
(571) 272-9797

DMS:psb

Ware Fressola Van Der Sluys & Adolphson, LLP  
Bradford Green, Building 5  
755 Main Street, P.O. Box 224  
Monroe, CT 06468